claims then presented, based upon disclosures of syringes having markings intended for human use and not automatic detection, i.e., the volumetric markings on the Sahi syringe and the encircling rings on the Reilly syringe.

During prosecution and appeal, Applicant noted that the Sahi syringe was not intended for automatic reading. Responding to this point, the decision of the Board upholding the Examiner's rejection, explicitly notes that "the fact that volume-indicating gradations shown on the Sahi syringe are not intended to be read automatically is not germane to the patentability of claims 22 and 24 since those claims do not recite any automatic reading of the physical indicia." (See Decision of October 17, 2002, page 7.)

Applicant is now submitting amended claims that explicitly include the recitation found lacking by the Board's decision. Specifically, each claim now recites physical indicia indicating automatically detectible information. The claims thus now include the recitation the Board sought in upholding the Examiner's rejection.

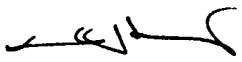
As the claims are now clearly allowable over the prior art that was the subject of the prior rejection and affirmation

by the Board, Applicant respectfully requests issuance of a Notice of Allowability.

The Examiner's attention is directed to the materials from the litigation Liebel-Flarsheim Company v. Medrad, Inc. which are supplied in the Information Disclosure Statement being submitted herewith.

If any petition for extension of time is necessary to accompany this communication, please consider this paper a petition for such an extension of time, and apply the appropriate extension of time fee to Deposit Account 23-3000. If any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,



Thomas W. Humphrey
Reg. No. 34,353

Wood, Herron & Evans, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202-2917

Voice: (513) 241-2324
Facsimile: (513) 241-6234

Version With Markings to Show Changes Made

22. A syringe, comprising
a body having a closed forward end having a nozzle and an open rearward end,
a plunger located within said body, and
physical indicia on said syringe indicating automatically detectible information related to the capacity of said syringe.

24. A syringe, comprising:
a body having a closed forward end having a nozzle and an open rearward end,
a plunger located within said body, and
physical indicia on said syringe indicating automatically detectible information related to the distance of the plunger from an end of said syringe when said syringe is initially installed on an injector.

26. A pre-filled syringe, comprising
a body having a closed forward end having a nozzle and an open rearward end,
a plunger located within said body, and
physical indicia on said syringe indicating automatically detectible information related to the amount of fluid in the pre-filled syringe.

28. A syringe, comprising
a body having a closed forward end having a nozzle and an open rearward end,
a plunger located within said body, and
physical indicia on said syringe indicating automatically detectible information related to the end of travel position of an injector ram coupled to the plunger when the syringe is coupled to an injector.

30. A syringe, comprising
a body having a closed forward end having a nozzle and an open rearward end,
a plunger located within said body, and
physical indicia on said syringe indicating automatically detectible information related to the range of travel of an

injector ram coupled to the plunger when the syringe is coupled to an injector.

31. The syringe of claim [42] 30 wherein said physical indicia represents the length of an extender which is attached to said plunger within said syringe.